

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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RAUL POLICARPO and NATALIO CEBALLOS,  
on behalf of himself and all others  
similarly situated,

Plaintiffs,

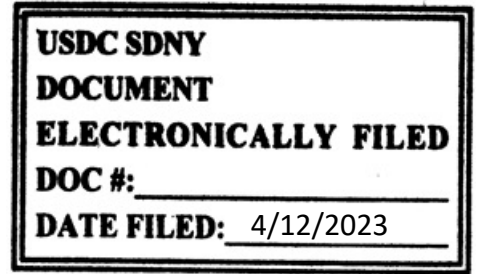
-against-

APRIL CORP., d/b/a/TERRA MARKET,  
BLANCA GONZALEZ, and JOHN DOES  
#1-10,

Defendants.

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**KATHARINE H. PARKER, United States Magistrate Judge:**



**21-CV-4210 (KHP)**

**ORDER**

On March 6, 2023, Plaintiffs informed the Court that the parties had reached a settlement agreement in this action and represented that they would file a motion for approval of the settlement as required by *Cheeks v. Freeport Pancake House, Inc.*, 796 F.3d 199 (2d Cir. 2015) ("*Cheeks* Motion") by Tuesday, March 28, 2023. The Court issued an order directing the parties to file a *Cheeks* Motion by that date and noting that the order did not impact any previously set deadlines. The parties are reminded that the deadline to complete all discovery is **April 21, 2023**.

The parties did not file any *Cheeks* Motion by March 28, 2023. Accordingly, on March 29, 2023, the Court *sua sponte* granted a *nunc pro tunc* extension of the deadline for the *Cheeks* Motion until Friday, April 7, 2023. The Court's order stated that in the event the parties were not prepared to file a *Cheeks* Motion by April 7, they should instead file a request for a

reasonable extension of time. The parties did not file a *Cheeks* Motion or any request for an extension. Instead, the docket has been silent.

The Court grants another extension of time *nunc pro tunc* until **Wednesday, April 19, 2023** for the parties to file a *Cheeks* Motion or, in the alternative, an update on the status of discovery.

The parties are advised that continued failure to abide by Court orders could result in sanctions, including monetary sanctions against the parties and their counsel. *See, e.g., Jianshe Guo v. A Canaan Sushi Inc.*, 2019 WL 1507900, at \*4 (S.D.N.Y. Apr. 5, 2019) (dismissing case for failure to prosecute and assessing a monetary sanction on plaintiff's counsel for repeated failure to comply with court deadlines); *Dosso v. Knights Collision Experts, Inc.*, 2022 WL 2103070, at \*2-3 (E.D.N.Y. June 10, 2022) (imposing sanctions on defendant and defense counsel based on their attempt to privately settle an FLSA action and end-run the requirements of *Cheeks*).

**SO ORDERED.**

DATED: New York, New York  
April 12, 2023



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KATHARINE H. PARKER  
United States Magistrate Judge